

## **Endorsers: Covid-19 is a human rights issue for prisons**

*The compassionate release of vulnerable Basque prisoners now will save lives and build peace*

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## Organisations:

- **Berghof Foundation**, Germany;
- **PCdoB**, *Partido Comunista do Brasil*, Brasil;

- **ELDH**, European Lawyers for Democracy and Human Rights;
- **CRED**, Centro di ricerca ed elaborazione per la democrazia, Italy;
- **IADL/AIJD**, International Association of Democratic Lawyers;

# Covid-19 is a human rights issue for prisons

## The compassionate release of vulnerable Basque prisoners now will save lives and build peace

Preamble: Since the writing of this letter, Covid cases have been confirmed in at least 59 prisons in the Spanish State and 38 in the French, among these are Roanne, Muret and La Santé prisons that house Basque detainees. In the Spanish state, cases have been detected among others in Albolote, Herrera de la Mancha , Puerto II and III and Sevilla.

The conflict resolution process in the Basque Country has achieved historic progress over the last decade and changed the course of history and touched the lives of thousands of families and communities. It is nine years since ETA put an end to violence and two years since it disbanded. But the process remains incomplete with over 230 politically-motivated prisoners still in detention. We know from international experience that no peace process works without the prisoner issue being dealt with. The International Conference to Promote the Resolution of the Conflict in the Basque Country, led by prominent international figures, including Kofi Annan, Gro Harlem Brundtland, Bertie Ahern, Jonathan Powell and Gerry Adams, called upon the Spanish and French governments to find a solution to this issue (Aiete 2011). This is yet to happen. As a result, the process remains incomplete. The conflict remains unresolved. Relationships remain broken, and a durable sustainable political settlement is yet to be found.

Now the process and all of humanity face the new challenge of the Covid-19 pandemic which UN Secretary General Antonio Guterres has called the "gravest test since the founding of this Organization", and he has made a global call for peace and to "put armed conflict on lockdown and focus together on the true fight of our lives." The Observatoire International des Prisons, the International Committee of the Red Cross, Amnesty International, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment have said that COVID-19 represents a profound threat for those in prison. They have all recommended special measures to be taken in order to minimise risks and guarantee full rights of the detainees. Coronavirus outbreaks in prisons harm not only inmates. Safer prisons means that we also have safer communities. Michelle Bachelet, UN High Commissioner for Human Rights, has stated that "It is vital that governments should address the situation of detained people" adding that "Authorities should examine ways to release those particularly vulnerable to COVID-19, among them older detainees and those who are sick, as well as low-risk offenders." Dunja Mijatović, Commissioner for Human Rights at the Council of Europe has urged "all member states to make use of all available alternatives to detention whenever possible and without discrimination".

We strongly believe that it is time for immediate humanitarian action in line with the Nelson Mandela Rules agreed to by the governments of Spain and France. We do not have the luxury of time. This virus really shows us how interconnected we all are, though some communities, like those in care homes, those in prisons and on naval ships are more at risk than others. So, if we want to protect our incarcerated population and make progress in Basque peace process, bolder measures have to be taken.

We urgently ask the French and Spanish governments to take the following courageous and generous steps:

- For the immediate release of those Basque prisoners who are particularly vulnerable to COVID-19, including those who are over 60 years old and those that suffer with prior conditions and serious illnesses; and

- For the release of those prisoners that have served three-quarters of their sentence or are eligible for parole, as they pose no risk of relapse, given that ETA disbanded 2 years ago.

We recognise that to release a prisoner before he or she has completed their full sentence is a significant decision. Such a move is challenging in any judicial system and will cause distress to victims and their families. However, in the context of the pandemic we are facing, and to ensure as far as possible the safety and wellbeing of staff and the whole of the prison population, and in the interest of peace, it is, we believe, an appropriate and reasonable step.

Recognising the basic humanity and dignity of all of us is important.

There is no doubt what Nelson Mandela would have done.

Now is the time, now is their time.

Signed: